UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

METROPOLITAN LIFE INS. CO.,

Plaintiff,		Case No. 24-cv-10474
v.		HON. MARK A. GOLDSMITH
MAVERICK BOLEN et al.,		
Defendants.	1	
	/	

OPINION & ORDER

(1) ADOPTING THE RECOMMENDATION CONTAINED IN THE MAGISTRATE JUDGE'S SEPTEMBER 18, 2024 REPORT AND RECOMMENDATION (Dkt. 23), (2) GRANTING IN PART AND DENYING IN PART PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT (Dkt. 17), AND SETTING ASIDE ENTRY OF DEFAULT OF DEFENDANT MAVERICK BOLEN (Dkt. 15)

This matter is presently before the Court on the Report and Recommendation (R&R) of Magistrate Judge Curtis Ivy, Jr. issued on September 18, 2024 (Dkt. 23). In the R&R, the magistrate judge recommends that the Court grant in part and deny in part Plaintiff Metropolitan Life Insurance Co.'s motion for default judgment (Dkt. 17).

The parties have not filed objections to the R&R, and the time to do so has expired. See Fed. R. Civ. P. 72(b)(2). The failure to file a timely objection to an R&R constitutes a waiver of the right to further judicial review. See Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings."); Smith v. Detroit Fed'n of Teachers, 829 F.2d 1370, 1373-1374 (6th Cir. 1987) (failure to file objection to R&R "waived subsequent review of the matter"); Cephas v. Nash, 328 F.3d 98, 108 (2d Cir. 2003) ("As a rule, a party's failure to object to any purported error or

omission in a magistrate judge's report waives further judicial review of the point."); Lardie v.

Birkett, 221 F. Supp. 2d 806, 807 (E.D. Mich. 2002) ("As to the parts of the report and

recommendation to which no party has objected, the Court need not conduct a review by any

standard."). However, there is some authority that a district court is required to review the R&R

for clear error. See Fed. R. Civ. P. 72 Advisory Committee Note Subdivision (b) ("When no

timely objection is filed, the court need only satisfy itself that there is no clear error on the face

of the record in order to accept the recommendation."). Therefore, the Court has reviewed the

R&R for clear error. On the face of the record, the Court finds no clear error and accepts the

recommendation.

Accordingly, the Court grants in part and denies in part Metropolitan Life Insurance

Co.'s motion for default judgment (Dkt. 17). The motion is granted as to Defendant David

Patterson but denied as to Defendant Maverick Bolen. The Court sets aside the entry of default

against Bolen (Dkt. 15).

SO ORDERED.

Dated: October 8, 2024

Detroit, Michigan

s/Mark A. Goldsmith MARK A. GOLDSMITH

United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class

U.S. mail addresses disclosed on the Notice of Electronic Filing on October 8, 2024.

Case Manager

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